

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PROMEGA CORPORATION,

Plaintiff,

and

MAX-PLANCK-GESELLSCHAFT zur
FORDERUNG der WISSENSCHAFTEN E.V.,

Involuntary Plaintiff,

v.

LIFE TECHNOLOGIES CORPORATION,
INVITROGEN IP HOLDINGS, INC. and
APPLIED BIOSYSTEMS, LLC,

Defendants.

This action came for consideration before the court with District Judge Barbara B. Crabb presiding. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that judgment is entered:

(1) granting defendants' motion for partial summary judgment with respect to plaintiff's claim of infringement of claims 25 and 27-31 of U.S. Patent No. 5,843,660 and defendants' counterclaims for non-infringement of the same claims;

(2) granting plaintiff's motion for summary judgment with respect to defendants' counterclaims that U.S. Patent Nos. 6,479,235, 6,221,598, 5,843,660 and 7,008,771 are invalid because they are anticipated, obvious or not enabled;

(3) dismissing the counterclaims filed by defendants for their failure to prove these counterclaims; and

(4) granting defendants' motion for judgment as a matter of law regarding 35 U.S.C.

§ 271(a) and (f)(1).

Approved as to form this 14th day of September, 2012.

Barbara B. Crabb

Barbara B. Crabb, District Judge

Peter Oppeneer

Peter Oppeneer, Clerk of Court

9/18/12

Date